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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,068	09/27/2001	Ann Rhee	266/202	7381

23639 7590 08/08/2006

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EXAMINER	
WU, QING YUAN	

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/967,068	RHEE ET AL.	
	Examiner	Art Unit	
	Qing-Yuan Wu	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9,11-17,19-25,27,29 and 31-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-9, 11-17, 19-25, 27, 29, 31-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

THOMSON EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5/19/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

1. Claims 1, 3-9, 11-17, 19-25, 27, 29 and 31-36 are pending in the application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 9, 11-16, 27 and 33-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 is the claimed invention must produce a "***tangible result***". Currently, results stored in a computer-usable medium as defined in the Specification are tangible. Unless the Specification supports an embodiment where the computer-usable medium is define as a "***wave***" (such as a carrier wave). In the event, the Specification defines a computer-usable medium can be a "wave", the Applicant should delete the embodiment or indicate the claimed invention is not claiming the embodiment of the "wave" (see specification, page 27, line 25 to page 30, line 2). The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 4, 9, 12, 25, 27, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeKoning (U.S. Patent 6,085,333), in view of Sitaraman et al (hereafter Sitaraman) (U.S. Patent 6,430,619)

6. DeKoning was cited in the last office action.

7. As to claims 1 and 9, DeKoning teaches quiescing resource consumer activity in a computer system [DeKoning, col. 8, line 12], comprising:

preventing a first resource consumer from starting new activity on the computer system [DeKoning, col. 8, lines 12-13; col. 10, lines 7-8]; and

allowing a second resource consumer to continue already-running activity on the computer system [DeKoning, col. 8, line 13-14; col. 10, lines 8-9].

8. DeKoning does not specifically teach wherein the act of preventing the first resource consumer from starting new activity comprises setting an activity limit applicable to the first resource consumer to a prescribed value, the activity limit comprising an active session limit that represents a limit on a number of active session.

However, Sitaraman teaches a maximum number of VPN sessions to provide to a group of user and deny access when the maximum is exceeded [Sitaraman, abstract; col. 3, lines 47-64; col. 5, lines 21-67; Figs. 3-4] (Examiner is unable to find proper disclosure of "active session limit" in the parent non-provisional application. Therefore, it is rejected based on the application filing date of 9/27/01).

9. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of DeKoning with the teaching of Sitaraman, because the teaching of Sitaraman further enhance the teaching of DeKoning by preventing the exhaustion of available resources by setting a limit for each consumer.

10. As to claims 25 and 27, DeKoning and Sitaraman do not specifically teach wherein the prescribed value is zero. However, DeKoning disclosed preventing new host I/O request to the controller [DeKoning, col. 8, line 12] and Sitaraman disclosed setting a grace session limit to zero and denying access [Sitaraman, col. 6, lines 5-10; abstract; col. 3, line 62].

11. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that the session limit associated with any group of users is configurable by the system to start or stop user's activities.

12. As to claims 4 and 12, DeKoning and Sitaraman do not specifically teach wherein the prevented activity is queued. However, it is well known in the art to queue un-serviced requests.

13. As to claims 31 and 33, DeKoning and Sitaraman teaches the invention substantially as claimed including wherein the number of active sessions is limited not to exceed the prescribed value [Sitaraman, abstract; col. 3, lines 57-63].

14. Claims 17, 20, 29 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeKoning and Sitaraman as applied to claims 1 and 9 above, in view of Jones et al (hereafter Jones) (U.S. Patent 6,003,061).

15. Jones was cited in the last office action.

16. As to claim 17, this claim is rejected for the same reason as claim 1 above. In addition, DeKoning and Sitaraman do not specifically teach a resource plan, the resource plan identifying a first resource consumer and a second resource consumer, among which a computer system resource is to be allocated and specifying an allocation of the resource among the first resource consumer and the second resource consumer, and a scheduler for allocating the resource among the first resource consumer and the second resource consumer according to the resource plan.

17. However, Jones teaches a resource plan [Jones, col. 5, lines 38-52], the resource plan identifying a first resource consumer and a second resource consumer, among which a computer system resource is to be allocated and specifying an allocation of the resource among the first resource consumer and the second resource consumer [Jones, col. 5, line 66-col. 6, line 40], and a scheduler for allocating the resource among the first resource consumer and the second resource consumer according to the resource plan [Jones, col. 6, lines 8-17].

18. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of DeKoning and Sitaraman with the teaching of Jones, because the teaching of Jones enhances the teaching of DeKoning and Sitaraman by providing a resource managing or planning functionality for allocating limited resources to requesting clients.

19. As to claim 20, this claim is rejected for the same reason as claim 4 above.

20. As to claim 29, this claim is rejected for the same reason as claim 25 above.

21. As to claim 35, this claim is rejected for the same reason as claims 31 and 33 above.

22. Claims 3, 5-8, 11, 13-16, 19, 21-24, 32, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeKoning, Sitaraman and Jones as applied to claim 17 above, and further in view of Fong et al (hereafter Fong) (U.S. Patent 6,263,359).

23. Fong was cited in the last office action.

24. As to claim 19, DeKoning, Sitaraman and Jones teach a resource planner applying a policy to a request that grants access to a resource to an activity while denying others [Jones, col. 5, lines 53-65]. DeKoning, Sitaraman and Jones do not specifically teach a first group of resource consumers, a second group of resource consumers. However, Fong teaches requesters requesting resources are grouped in classes [Fong, abstract, lines 1-6; col. 2, lines 1-5; col. 14, lines 29-33; Fig. 1].

25. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have applied the teaching of Fong to the invention of DeKoning, Sitaraman and Jones because the teaching of Fong would further enhance the functionality of DeKoning, Sitaraman and Jones by serving consumer requests based on priority.

26. As to claims 8 and 16, these claims are rejected for the same reason as claim 19 above. In addition, DeKoning, Sitaraman, Jones and Fong teach the invention substantially as claimed including the computer system operating according to a first resource plan [DeKoning, abstract, lines 3-8; Jones, col. 5, lines 38-52], comprising:

replacing the first resource plan with a second resource plan [DeKoning, abstract, lines 3-8].

27. As to claims 3 and 11, these claims are rejected for the same reason as claim 19 above.

28. As to claims 5 and 13, these claims are rejected for the same reason as claims 1, 3 and 25 above. In addition, DeKoning, Sitaraman, Jones and Fong teach the invention substantially as claimed including the first resource consumer group comprising one or more resource consumers [Fong, col. 4, lines 12-25].

29. As to claims 6 and 14, these claims are rejected for the same reason as claims 1, 3 and 25 above.

30. As to claims 7 and 15, these claims are rejected for the same reason as claim 4 above.

31. As to claim 21, this claim is rejected for the same reason as claims 5 and 17 above.

32. As to claim 22, this claim is rejected for the same reason as claim 6 above.

33. As to claim 23, this claim is rejected for the same reason as claim 7 above.

34. As to claim 24, this claim is rejected for the same reason as claims 3, 8 and 21 above.

35. As to claims 32, 34 and 36, these claims are rejected for the same reason as claims 31 and 33 above above.

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,718,332 and 6,529,955 to Sitaraman et al. teach active session limit.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Qing-Yuan Wu

Patent Examiner

Art Unit 2194

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